

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Bessie M. Smith**Case No.: **17-16355**Judge: **SLM**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original☒ Modified/Notice Required

Date:

August 7, 2017☒ Motions Included☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Part 1: Payment and Length of Plan

a. The debtor shall pay 575.00 Monthly to the Chapter 13 Trustee, starting on April, 2017 for approximately 47 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☐

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ **NONE**

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Internal Revenue Service	Taxes and certain other debts	0.00
State of New Jersey	Taxes and certain other debts	0.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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Wells Fargo Home Mortgage	794 South 11th Street Newark, NJ 07108	22,050.06	0.00	22,050.06	no payment required; this is a reverse mortgage.
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
-NONE-				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
American Honda Finance	2008 Honda Accord	none - vehicle was traded in prior to filing	pursuant to proof of claim
Specialized Loan Servicing	139-141 Pomona Avenue Newark, NJ 07114	65,000.00	NONE - Collateral is surrendered in full satisfaction of creditor's claim
City of Newark	139-141 Pomona Avenue Newark, NJ 07114 Essex County	65,000.00	NONE - Collateral is surrendered in full satisfaction of creditor's claim

f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor
-NONE-

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☐ Not less than ___ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
-NONE-				

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Portfolio Recovery	794 South 11th Street, Newark, NJ 07108	Judgment Lien	4,232.00	90,000.00	0.00	277,750.17	ALL
PSE&G	794 South 11th Street, Newark, NJ 07108	Judgment Lien	6,873.53	0.00	0.00	0.00	ALL

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Portfolio Recovery	794 South 11th Street Newark, NJ 07108	4,232.00	90,000.00	277,750.17	none	ALL
PSE&G	794 South 11th Street Newark, NJ 07108	6,873.53	90,000.00	277,750.17	none	ALL

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-					

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9 : Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: April 21, 2017

Explain below why the plan is being modified:	Explain below how the plan is being modified:
To correct an error in previous plan that inadvertently included SLS in two conflicting sections of the plan.	same

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>August 7, 2017</u>	<u>/s/ Scott E. Tanne</u>
		<u>Scott E. Tanne st2477</u>
		Attorney for the Debtor
Date:	<u>August 7, 2017</u>	<u>/s/ Bessie M. Smith</u>
		<u>Bessie M. Smith</u>
		Debtor
Date:	_____	_____
		Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date August 7, 2017

/s/ Scott E. Tanne

Scott E. Tanne st2477

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: August 7, 2017

/s/ Bessie M. Smith

Bessie M. Smith

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Bessie M. Smith
 Debtor

Case No. 17-16355-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 33

Date Rcvd: Oct 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 14, 2017.

db
 516735698 +Bessie M. Smith, 794 South 11th Street, Newark, NJ 07108-1302
 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: American Honda Finance, 201 Little Falls Dr,
 Wilmington, DE 19808)
 516735700 +Citibank/The Home Depot, Po Box 6497, Sioux Falls, SD 57117-6497
 516735699 +Citibank/The Home Depot, Citicorp Cr Svcs/Centralized Bankruptcy, Po Box 790040,
 S Louis, MO 63179-0040
 516735701 +City of Newark, Tax Collector, 920 Broad Street, Newark, NJ 07102-2696
 516735702 +Court Officer, Essex County Special Civil Part, Historic Courthouse,
 470 Dr. Martin Luther King Jr. Blvd, Newark, NJ 07102-1734
 516735704 +Credit Service of Oregon, 400 International Way, Springfield, OR 97477-7002
 516735703 +Credit Service of Oregon, Po Box 1208, Roseburg, OR 97470-0306
 516735706 +Debt Recovery Solution, 900 Merchants Concourse, Westbury, NY 11590-5142
 516735705 +Debt Recovery Solution, Attention: Bankruptcy, 6800 Jericho Turnpike Ste 113e,
 Syosset, NY 11791-4401
 516846619 +Deutsche Bank National Trust Co., Trustee(See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 516735707 +Equifax, PO BOX 740241, Atlanta, GA 30374-0241
 516735708 +Experian, PO BOX 9701, Allen, TX 75013-9701
 516848367 +M&T Bank, PO Box 1508, Buffalo, N.Y. 14240-1508
 516735712 +Phelan Hallinan & Diamond, PC, 400 Fellowship Road, Suite 100,
 Mount Laurel, NJ 08054-3437
 516735717 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of Treasury,
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 516735716 +Specialized Loan Servicing/SLS, 8742 Lucent Blvd Ste 300, Highlands Ranch, CO 80129-2386
 516735718 +Trans Union, PO BOX 2000, Chester, PA 19022-2000
 516839852 Wells Fargo Bank, N.A., as servicer, Default Document Processing,
 1000 Blue Gentian Road, MAC# N9286-01Y, Eagan, MN 55121-7700
 516735719 +Wells Fargo Home Mortgage, 1 Home Campus, Des Moines, IA 50328-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 12 2017 22:18:18 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Oct 12 2017 22:18:16 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516735697 E-mail/Text: ebnbankruptcy@ahm.honda.com Oct 12 2017 22:18:24 American Honda Finance,
 Po Box 168088, Irving, TX 75016
 516751265 E-mail/Text: ebnbankruptcy@ahm.honda.com Oct 12 2017 22:18:24
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,
 Irving, TX 75016-8088
 516735709 E-mail/Text: cio.bncmail@irs.gov Oct 12 2017 22:18:00 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 516735710 E-mail/Text: camanagement@mtb.com Oct 12 2017 22:18:09 M & T Bank, Attn: Bankruptcy,
 1100 Wehrle Dr 2nd Floor, Williamsville, NY 14221
 516735711 E-mail/Text: camanagement@mtb.com Oct 12 2017 22:18:09 M & T Bank, Po Box 7678,
 Buffalo, NY 14240
 516956401 +E-mail/Text: bankruptcydpt@mcsmcg.com Oct 12 2017 22:18:15 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 516735714 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2017 22:28:00
 Portfolio Recovery, 120 Corporate Blvd Ste 1, Norfolk, VA 23502
 516735713 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2017 22:27:48
 Portfolio Recovery, Po Box 41067, Norfolk, VA 23541
 516988386 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2017 22:27:48
 Portfolio Recovery Associates, LLC, c/o Metris, POB 41067, Norfolk VA 23541
 516969398 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 12 2017 22:42:48
 Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
 Norfolk VA 23541
 516735715 E-mail/Text: bankruptcy@pseg.com Oct 12 2017 22:17:39 PSE&G, PO BOX 490,
 Cranford, NJ 07016-0490

TOTAL: 13

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516784695* +Wells Fargo Home Mortgage, 1 Home Campus, Des Moines, IA 50328-0001

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 33

Date Rcvd: Oct 12, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 14, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 10, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for
J.P. Morgan Mortgage Acquisition Trust 2007-CH3, Asset Backed Pass-Through Certificates, Series
2007-CH3 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Scott E. Tanne on behalf of Debtor Bessie M. Smith info@tannelaw.com, clerk@tannelaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4